

URBAN RENEWAL PLAN

MIDDLE BRANCH URBAN RENEWAL AREA

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URBAN RENEWAL PLAN
MIDDLE BRANCH URBAN RENEWAL AREA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
BALTIMORE, MARYLAND

APPROVED BY
THE MAYOR AND CITY COUNCIL OF BALTIMORE
BY ORDINANCE NO. 1146
DATED JULY 27, 1979

REVISIONS SINCE ORIGINAL APPROVAL BY THE MAYOR AND CITY COUNCIL:

- I. Amendment No. 1, dated December 1, 1982, approved by the Mayor and City Council by Ordinance No. 914, dated March 23, 1983.

URBAN RENEWAL PLAN
MIDDLE BRANCH

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MIDDLE BRANCH URBAN RENEWAL PLAN

A. PROJECT DESCRIPTION

1. Boundary Description

Beginning for the same at the intersection formed by the north side of Cherry Hill Road and the west side of the east drive of Potee Street and the south side of the west drive of Potee Street, thence binding on the south side of the west drive of Potee Street westerly, to intersect the south side of Waterview Avenue, thence continuing westerly, binding on the south side of Waterview Avenue to intersect the west side of Cherry Hill Road, thence crossing Waterview Avenue and continuing northerly binding on the east boundary line of Lot 1, Block 7611, to the waters of the Middle Branch of the Patapsco River; thence northerly with the meanders of the waters of the Middle Branch of the Patapsco River to intersect the common boundary line between Lot 1, Block 7611, and Lot 6/10, Block 7612; thence continuing and binding on said common boundary line easterly to intersect the southern pier head line of Lot 6/10, Block 7612, established by the United States Government in 1915, thence binding on said pierhead line easterly, northerly, and easterly to intersect the west side of South Hanover Street, thence continuing and binding on the west side of South Hanover Street southerly to intersect the west side of the east drive of Potee Street, thence continuing and binding on the west side of the east drive of Potee Street in a southerly direction to the point of beginning.

2. Reasons for the Various Provisions of this Plan

The basic goal of the City of Baltimore for the Middle Branch Urban Renewal Area is to work closely with its business persons, property owners, and institutions in the development of a plan for the rehabilitation and redevelopment, as herein provided, for the area. This plan shall meet certain objectives, including but not limited to respecting the historical heritage of the area, encouraging park and recreational development in the area, providing public access to the water's edge, providing open space, continuing – on an orderly basis – industrial uses compatible with recreational uses within the project area, resolving parking deficiencies, creating new opportunities for economic development, and protecting the area from blighting influences.

Provisions for review of all plans, and standards for new construction and/or property rehabilitation for all properties in the Urban Renewal Area have been included in order to insure harmonious and orderly development in the Urban Renewal Area. Acquisition and clearance are proposed in order to remove concentrations of blight, curtail deteriorating influences, provide needed public facilities, and provide access to public and private recreational facilities.

B. LAND USE PLAN

1. Permitted Land Uses

Only the use categories shown on the Land Use Map, Exhibit 1, shall be permitted within the project area. These are Public and Industrial. Accessory uses including landscaping, off-street parking and loading will also be permitted. In addition, certain uses will be permitted to continue subject to the provisions governing non-conforming and non-complying uses set forth below.

- a. Public: The category defined as “Public” includes the following uses:
 - (1) Open Space: Parks, plazas, promenades, landscaped open space, public shoreline treatment, landscaped public street and utility rights-of-way.
 - (2) Recreation: Facilities for leisure time activity.
 - (3) Utilities.
 - (4) Ancillary Retail: Retail as a secondary use provided primarily as a supplement or convenience to the other permitted uses.
 - (5) Marina: Facilities normally provided for the dockage, storage, and maintenance of boats.
- b. Industrial: Permitted uses shall include facilities for the manufacturing and warehousing of materials where such activities occur entirely within structures which block public view of such activities; also, outdoor storage of materials necessary for such manufacturing processes. Notwithstanding any other provisions of this Renewal Plan, only the following uses and facilities shall be permitted on land designated Industrial. These uses denoted with an asterisk are conditional uses requiring approval by the Board of Municipal and Zoning Appeals under Section 11.0-3c of the Zoning Ordinance of Baltimore City.
 - (1) Athletic Fields
 - (2) Automobile service stations*
 - (3) Banks and building and loan associations
 - (4) Bottling works and bottle manufacturing
 - (5) Bus and transit turn arounds and passenger shelters
 - (6) Carry out food shops
 - (7) Glass manufacturing
 - (8) Glass products, from previously prepared materials
 - (9) Insulating materials-manufacturing
 - (10) Laboratories-research and testing
 - (11) Laboratory apparatus-manufacturing
 - (12) Marinas
 - (13) Maritime supplies and servicing

- (14) Off-street parking areas, other than accessory, for the parking of four or more motor vehicles
- (15) Radio and televisions stations and studios*
- (16) Recreation buildings and community centers*
- (17) Restaurants and lunchrooms
- (18) Sewerage pumping stations
- (19) Ship Chandlers
- (20) Stables for horses*
- (21) Storage of building materials and equipment and temporary structures for on-site construction purposes – for a period not to exceed the duration of activity construction
- (22) Taverns
- (23) Accessory or non-accessory radio and television antennas, and towers when free standing or when they extend higher than 25 feet above the building on which they are mounted.

c. Non-Conforming Uses

A non-conforming use is any lawfully existing use of a building or other structure, or of land which does not conform to the applicable use regulations of the district in which it is located according to the Zoning Ordinance of Baltimore City. Listed in Appendix A of this Plan and indicated on Exhibit 4 are existing non-conforming uses which will continue to be non-conforming after the enactment of this Plan. The non-conforming uses listed in Appendix A and other non-conforming uses which exist or may be legally established shall be permitted to continue, subject to the provisions of the Zoning Ordinance of Baltimore City governing Non-Conforming uses.

d. Non-Complying Use

A non-complying land use is any lawfully existing use of a building or other structure or of land that, although it conforms to the Zoning Ordinance of Baltimore City, does not comply with the land use regulations of this Plan. Appendix B lists existing non-complying uses. These uses and other non-complying land uses which may be established between the date of survey on which the list in Appendix B is based and the date of approval of this Plan by the Mayor and City Council of Baltimore shall be permitted to continue except that whenever any non-complying land use, or any part thereof, has been discontinued for a period of three consecutive months, such discontinued non-complying use, or part thereof, shall not thereafter be reestablished, and any subsequent use of that land, structure, or part thereof, shall conform to the provisions of this Urban Renewal Plan. In addition, no non-complying land use shall be changed to any other non-complying land use.

2. Regulations, Controls, and Restrictions

a. Provisions Applicable to all Land and Property to be Acquired

The following regulations, controls, and restrictions will be implemented where applicable by covenants, or other provisions in the agreements for land disposition and instruments of conveyance executed pursuant thereto:

(1) General Provisions

- (a) No buildings, structures, or parking areas shall be constructed over an easement within the Urban Renewal Area without the prior consent of the Commissioner of the Department of Housing and Community Development and the Director of the Department of Public Works.
- (b) No materials shall be stored or permitted to remain outside buildings except, and unless, a plan to screen such stored materials has been approved by the Commissioner of the Department of Housing and Community Development. No waste material, refuse, or garbage shall be permitted to remain outside buildings except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for such containers shall be properly screened from adjacent properties and public streets and alleys.
- (c) Landscape treatment will be required and will encompass the planting of any, all, or a combination of the following: trees, shrubs, ground cover, grass, flowers. The amount of landscape treatment should be determined by the nature of the development and should serve to improve the utility of the site, soften and relieve the effects of structure and pavement, and provide visual harmony.
- (d) Exterior ventilation equipment or any mechanical equipment placed outside of a building, including on the roof, shall be screened in a manner which has been approved by the Commissioner of the Department of Housing and Community Development.

(2) Off-Street Parking Requirements

Parking spaces shall be provided according to the requirements as established by the Zoning Ordinance of Baltimore City, or in such lesser amount as may be approved by the Commissioner of the Department of Housing and Community Development and authorized by the Board of municipal and Zoning Appeals as a Special Exception or Variance.

(3) Redeveloper's Obligations

The Redeveloper shall not enter into, execute, or be a party of any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument which restricts the sale, lease, use or occupancy of the property, or any part thereof, or any improvements placed thereon, upon the basis of national origin, race, religion, sex, or color.

An agreement or covenant providing for these non-discrimination provisions shall be included in the instruments and the City of Baltimore shall be deemed a beneficiary of such covenants and shall be entitled to enforce it. The redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.

(4) Riparian Rights:

The City may sell, lease, grant, convey, encumber, or otherwise dispose of the riparian rights and water privileges which it now owns or will acquire as part of the Urban Renewal Plan. The City may reserve unto itself from any sale, lease, grant, or other conveyance, the riparian rights and water privileges which it now owns or will acquire as part of the Urban Renewal Plan.

(5) Development Rights:

Limited development rights of a nature to be determined by the Department of Housing and Community Development, may be granted to developers for sub-surface, surface, or above surface improvements and/or structures, encroaching on public right-of-way, public open space, easement areas, and other publicly owned land. Encroachment on public right-of-way and public open space shall be subject to the approval of the board of Estimates as required by law. For purposes of this sub-section, the Mayor and City Council and any body corporate, public or private, public agency, partnership or person, and any entities operating public utilities or public transit facilities shall be considered a developer.

(6) Aesthetic Controls and Reviews:

In order to establish and maintain values and ensure aesthetic and functional coordination essential to carrying out the objectives of the Renewal Plan and the continued maintenance of the Urban Renewal Plan, developers shall agree to controls through such means as are deemed appropriate by the Department. Such controls will be concerned primarily with aesthetic and functional considerations and will not relieve developers of their responsibility to comply with all ordinances and governmental rules and regulations. The Department specifically reserves the right to require the following review and approvals:

(a) Plan and Specifications

Each developer will submit for all development during the term of this Renewal Plan detailed preliminary plans and outline specifications, final working drawings and specifications, and all subsequent revisions thereto, to the Department for its review and approval. Such preliminary plans and outline specifications shall be submitted in sufficient detail to show site planning, architectural design and layout, materials, building construction, landscape design, access, streets, and sidewalks. Preliminary plans and outline specifications shall be submitted prior to the preparation of working drawings and specifications.

(b) Review of Signs

Plans and elevations for all advertising, direction, or identification signs which will be visible from any public right-of-way, park, pedestrian access facility or boulevard, shall be submitted to the Department for review and approval, either as part of the submissions referred to in B.2.a.(6)(a) above, or separately, during the term of this Renewal Plan. Such review and approval will be concerned with, but not limited to, size, design, illumination, locations, materials, color, and method of installation.

(c) Exterior Lighting

Designs for any floodlighting, highlighting, spotlighting, backlighting, or other illumination which will be visible from any public right-of-way, park, pedestrian access facility or boulevard shall be submitted to the Department for review and approval, either as part of the submissions referred to in b.2.a.(6)(a) above, or separately, during the term of this Renewal Plan.

(7) Completion

Developers will be required to agree to commence and complete construction of improvements in the Middle Branch Urban Renewal Area within reasonable periods of time as determined by the Department.

(8) Maintenance

Developers will be required to agree to comply with such terms and conditions relating to the use and maintenance of property in that portion of the Area to be acquired as may be required by the Department for purposes of preventing the recurrence of deteriorated conditions, maintaining aesthetic and functional harmony within the Area, or for any other purpose deemed necessary by the Department to promote proper use and development of the area.

(9) Reservation of Easements

Easements for open space, landscaping, utilities, public transit, and private and public access and passage may be reserved by the Department in any Disposition Lot for any purpose. Such easement may be disposed of to developers. For purposes of this subsection, the Mayor and City Council of Baltimore and any body corporate, public or private, public agency, partnership or person, and any of the foregoing entities operating public utilities or public transit facilities shall be considered a developer.

b. Provisions Applicable to all Land and Property Not to be Acquired

(1) General Provisions

The provisions of Section B.1. above shall apply to all properties not to be acquired within the project area. The provisions of Section B.2.a. shall apply as appropriate to properties not currently proposed to be acquired by this Plan if the owners thereof

acquire adjacent project land made available by the Department of Housing and Community Development under the provisions of this Plan.

(2) Department of Housing and Community Development Review

All plans for: (a) new construction (including parking Lots); (b) exterior rehabilitation; (c) demolition; and (d) change in the use of any building, structure, and/or property not to be acquired under the provisions of this Plan, shall be submitted to the Department of Housing and Community Development for review and approval. Such review shall be concerned with, but not necessarily limited to, urban design, standards, site planning, architectural treatment, materials and color, signs, parking, loading, landscaping, and building plans, elevations, and construction or rehabilitation details. The Commissioner of the Department of Housing and Community Development shall deny the issuance of a permit if it is inconsistent with the objectives stated in Section A.2. above. If the Commissioner denies the issuance of a demolition permit, he shall, within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which said demolition was to have occurred by purchase, lease, condemnation, gift, or other legal means for the renovation, rehabilitation, and disposition thereof. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinance.

c. Duration of Provisions and Requirements

The Middle Branch Urban Renewal Plan, as it may be amended from time to time, shall be in full force and effect for a period of forty (40) years from that date of original adoption of this Renewal Plan by ordinance of the Mayor and City Council of Baltimore.

C. TECHNIQUES USED TO ACHIEVE PLAN OBJECTIVES

1. Acquisition

Property Acquisition Map is attached as Exhibit 2.

a. Purposes for Acquiring Properties Within the Project Area

Properties designated for acquisition on the Property Acquisition Map (including parts thereof or interests therein) will be acquired either for clearance and redevelopment, for rehabilitation, for public facilities or some combination of these purposes.

b. Conditions Under Which Properties Not Designated for Acquisition May Be Acquired

(1) Non-Salvable and Non-Compliance with provisions

It may be necessary to acquire by purchase or by condemnation for urban renewal purposes the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof in the Middle Branch Urban Renewal Area not

specifically designated for acquisition on the Property Acquisition Map, Exhibit No. 2, as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. This may include:

- (a) Any property in the Project Area containing a non-salvageable structure, i.e., a structure which in the opinion of the Commissioner of the Department of Housing and Community Development cannot be economically rehabilitated.
 - (b) Any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements, the Department of Housing and Community Development, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City may acquire such property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of two (2) years from the date of said written 90 days notice by the Department of Housing and Community Development.
- (2) Actions to be followed by the Department of Housing and Community Development Upon Acquisition of Properties

Upon the acquisition of properties, the Department of Housing and Community Development will either:

- (a) Demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with this Plan; or
- (b) Sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or
- (c) Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts.

2. Rehabilitation

Property rehabilitation shall comply with the codes and ordinance of the City of Baltimore.

3. Relocation

The Department of Housing and Community Development assures that before firms or individual businesses are displaced from their present location of operation due to the requirements of this Plan, standard commercial structures and/or lots within the displacees' financial means in or near the project area shall be identified. Businesses displaced because of the requirements of this Plan shall be given favorable consideration, but not necessarily priority,

by the Department of Housing and Community Development in the review of commercial and industrial redevelopment proposals.

4. Review of Development

a. Department of Housing and Community Development Review

(1) Land to be acquired and disposed

The Department of Housing and Community Development specifically reserves the right to review and approve plans and specifications for development with respect to their conformance with the provisions of the Renewal Plan and in order to achieve harmonious development of the project area. The Department also reserves the right to refuse to approve any such drawings, plans or specifications that are not suitable or desirable, in its opinion, for aesthetic or functional reasons, and, in so passing upon such drawings, plans and specifications, it shall have the right to take into consideration, but shall not be limited to the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and the harmony of the planned development with its surroundings.

The Department of Housing and Community Development will fully utilize its Design Advisory Panel to work with developers in the achievement of high quality site, building, and landscape design.

2) Land not to be acquired

Under the provisions of Section B.2.b.(2) of this Plan, the Department of Housing and Community Development has the right to review all plans for new construction (including parking lots), exterior rehabilitation, demolition or change in the use of any property not to be acquired. In reviewing these plans, the Commissioner of the Department of Housing and Community Development shall be concerned with but not limited to those standards, objectives, and design aspects contained in this Plan.

5. Land Disposition

- a. Disposition of land and property interests acquired by the Mayor and City Council within the area by sale, lease, conveyance, or transfer, or other means available to the City, will be made in accordance with the provisions of this Plan.
- b. The parcels shown on the Land Disposition Map, Exhibit 3, as available for disposition, are schematic and approximate. The Department of Housing and Community Development shall have the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels, or lots, as shown on the Land Disposition Map, may be subdivided or combined.

6. Zoning

Existing zoning districts within this Urban Renewal Area are indicated on the Zoning Districts Map, Exhibit 4. No zoning changes are proposed in this Urban Renewal Plan.

D. PROCEDURES FOR CHANGES IN APPROVED PLAN

Prior to any ordinance amending the Urban Renewal Plan, a public hearing shall be held. With respect to any land in the project area previously disposed of by the Department of Housing and Community Development, the then owner of such land, whose interests therein are materially affected by such changes, shall receive notice at least ten (10) days prior to such hearing and information as to where a copy of the proposed amendments may be inspected.

E. SEPARABILITY

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of the Plan without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

APPENDIX A
NON-CONFORMING USES

2913-23 Waterview Avenue	Auto junkyard
2925-31 Waterview Avenue	Auto junkyard

May 1, 1979

APPENDIX B
NON-COMPLYING USES

2913-23 Waterview Avenue	Auto junkyard
2925-31 Waterview Avenue	Auto junkyard

May 1, 1979
Revised: December 1, 1982

Exhibit 1: Land Use

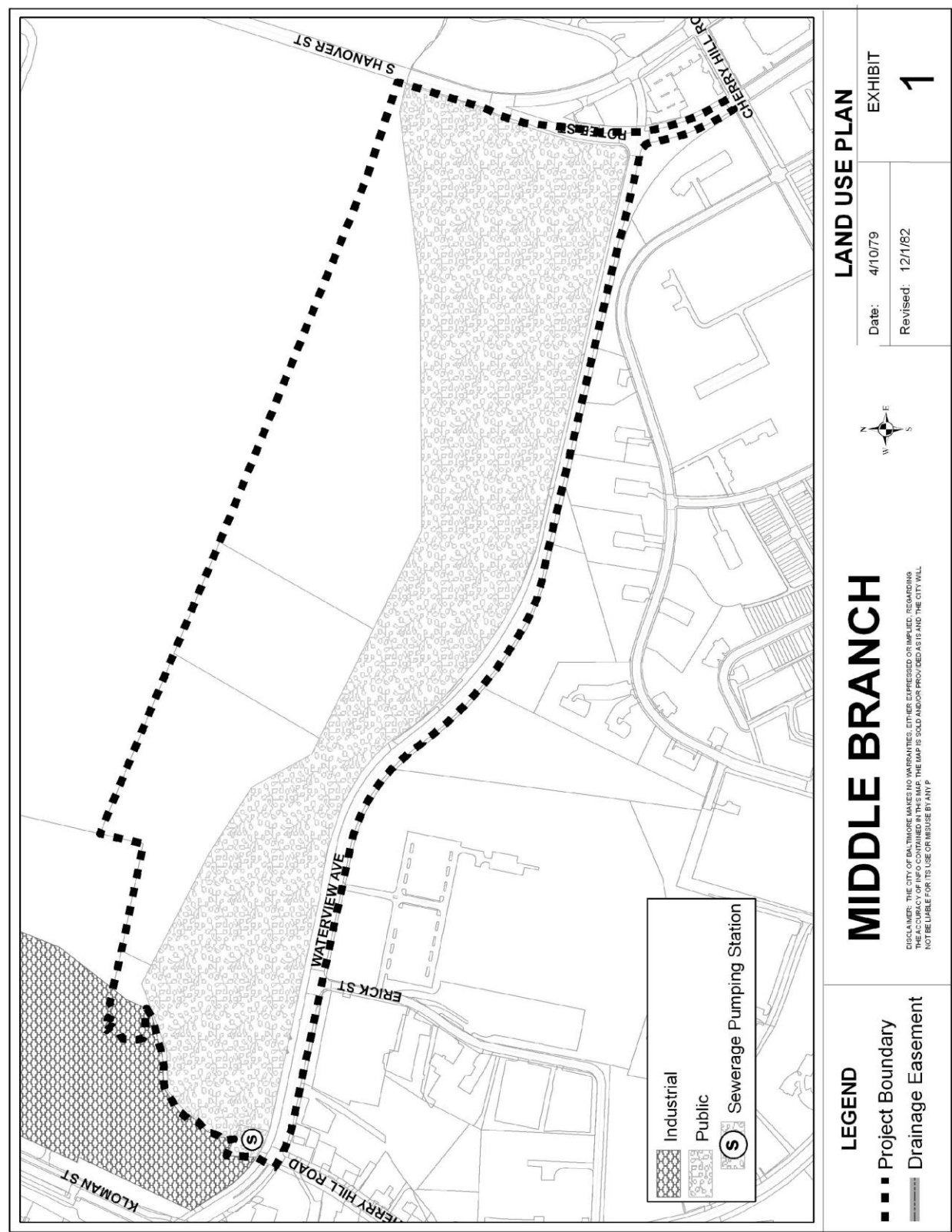


Exhibit 2: Property Acquisition

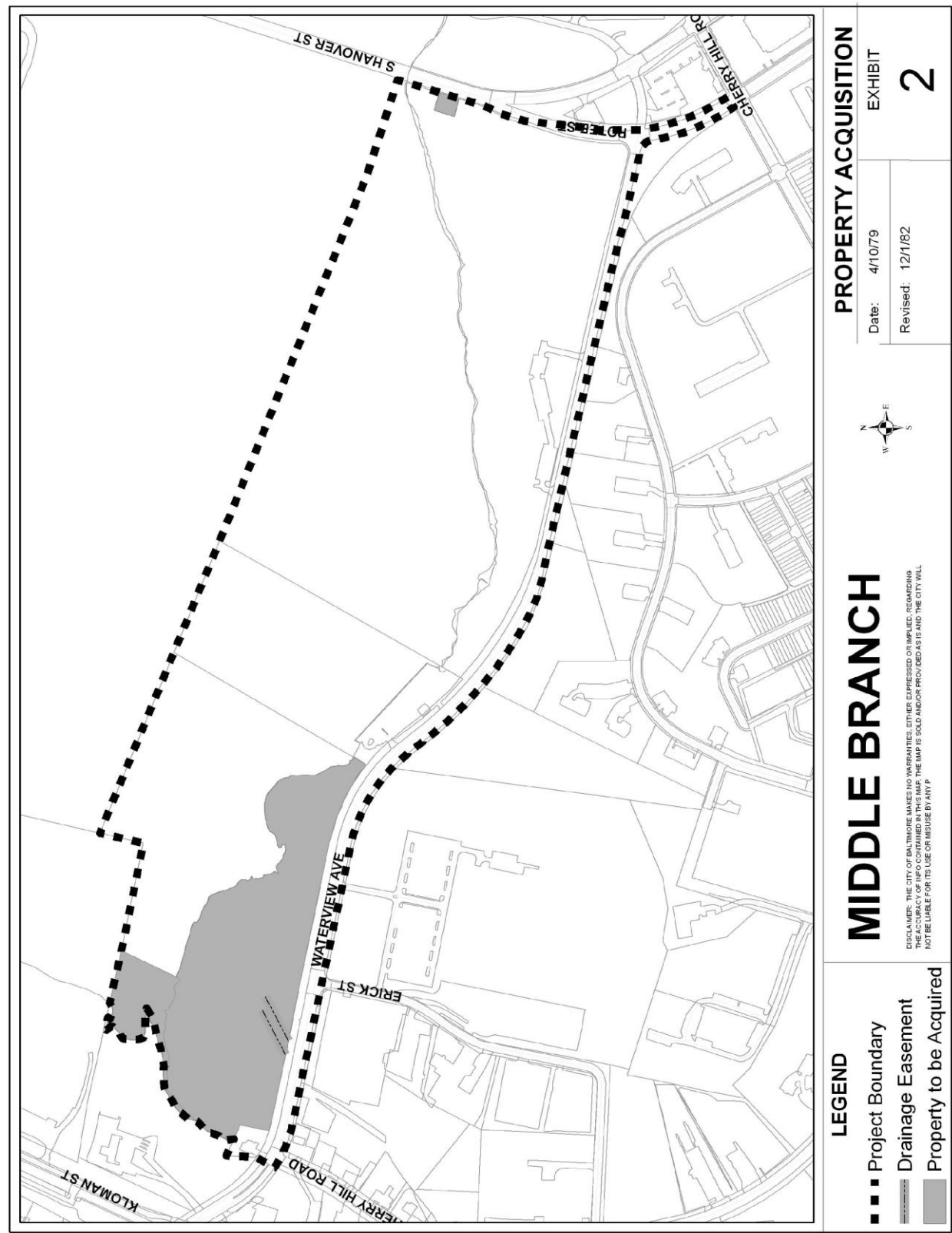


Exhibit 3: Land Disposition

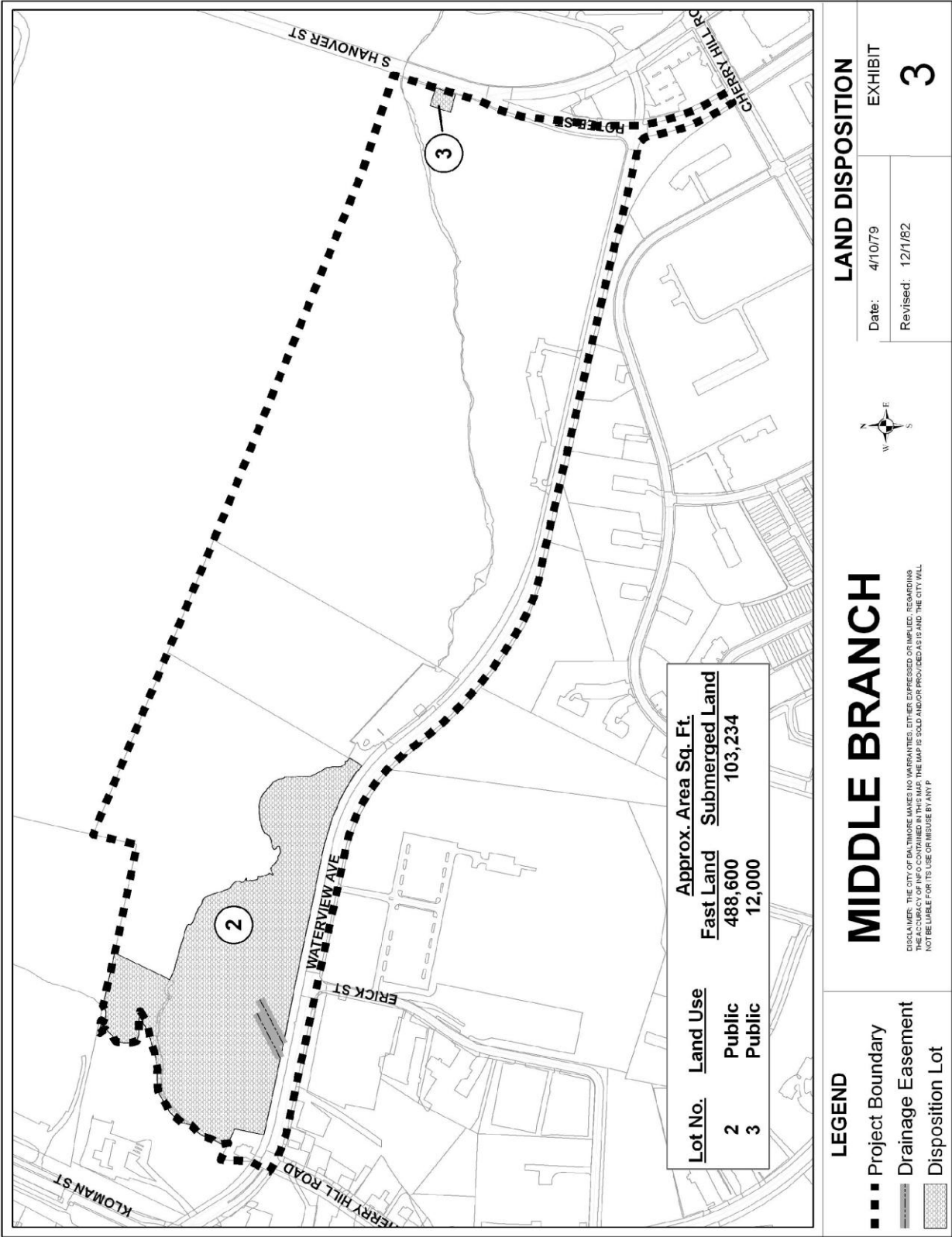


Exhibit 4: Zoning Districts

